



PTO/SB/21 (08-03)

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Jfw**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/991,610
Filing Date	November 9, 2001
First Named Inventor	Eric C. Hannah
Art Unit	1639
Examiner Name	Tran, My Chau T.
Attorney Docket Number	42P13119

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Comments on Statements of Reasons For Allowance (Under 37 C.F.R. 1.104(e)) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | It is believed no fee is due with this transmission at this time, however, should a fee be due, please charge Blakley, Sokoloff, Taylor & Zafman, LLP Deposit Account No. 02-2666. | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011
Signature	<i>Brent E. Vecchia</i>
Date	JUNE 3, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Krista Mathieson
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Signature

Krista Mathieson

Date

June 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Our Docket No: 42P13119

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Eric C. Hannah) Group Art Unit: 1639
Serial No.: 09/991,610) Examiner: Tran, My Chau T.
Filed: November 9, 2001)
For: Carbon Nanotube Molecular Labels)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
(Pursuant to 37 CFR 1.104 (e))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

As an initial matter, the undersigned would like to thank the Examiner for the Examiner's thorough review of the above-captioned application and the allowance of claims as given in the Notice of Allowability.

With regard to the Notice of Allowability, the undersigned submits herein a statement commenting on the reasons for allowance and respectfully requests that such statement be made of record.

Statement Commenting on the Reasons for Allowance

The Examiner, in the statement of reasons for allowance, may have referenced limitations from certain of the allowed claims. To clarify the record for anyone who may later view the file wrapper in this application, the undersigned would like to emphasize each claim should be construed to include only those limitations that are explicitly recited in the language of the claim. The reasons provided should not be used to interpret the patent claims, or to produce any prosecution history estoppel.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: JUNE 3, 2004

Brent E. Vecchia
Brent E. Vecchia
Reg. No. 48,011

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7th Floor
Los Angeles, California 90025-1030
(303) 740-1980

**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) \$0.00

Complete if Known:

Application No. 09/991,610Filing Date November 9, 2001First Named Inventor Eric C. HannahExaminer Name Tran, My Chau T.Art Unit 1639Attorney Docket No. 42P13119☐ Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit Account Number : 02-2666Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Credit any overpayments.☒ Charge any additional fees during the pendency of this application.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.☐ Charge fee(s) indicated below except for the filing fee.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
1001	770	2001	385	Utility application filing fee	
1002	340	2002	170	Design application filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional application filing fee	
SUBTOTAL (1)					<u>\$ 0.00</u>

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims	Fee from below	Fee Paid
Total Claims		- 20** =		X	
Independent Claims		- 3** =		X	
Multiple Dependent					

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Brent E. VecchiaSignature: Brent E. Vecchia Date: JUNE 3, 2004Reg. Number: 48,011 Telephone Number: (303) 740-1980

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450